

Personnel

Employment
Regulations

Substance Abuse

POLICY:

- .01 Los Alamos National Laboratory is committed to a safe work environment for its employees, to public safety, and to the protection of its national security mission. In support of this commitment, the Laboratory maintains a drug-free work place. Substance abuse in the work place or while on Laboratory business or working while under the influence of drugs or alcohol (*see* [.08](#) and [.09](#); [.64](#) and [.68](#)) is prohibited and can result in disciplinary action, up to and including termination. To help overcome substance dependency or addiction, the Laboratory provides counseling (*see* [.20](#)-.22) for employees who voluntarily seek help and encourages employees to pursue treatment and rehabilitation.



COVERAGE:

**At Los Alamos National
Laboratory**

- .02 This policy covers all full-time, part-time, special program, and casual employees. Laboratory Affiliates, contract and subcontract workers, and other users of Laboratory facilities are not directly covered by the substance-abuse policy but are required to comply with the Laboratory commitment to a drug-free work place and with the environment, safety, and health (ES&H) policies that cover everyone visiting or working at the Laboratory. Noncompliance with these policies will result in the cancellation of any agreement with the Laboratory and notification of the employer where appropriate. Visitors not complying with the Laboratory's commitment will, at a minimum, be asked to leave the site. The Special Projects Office of the Facilities, Security, and Safeguards Division (FSS/SPO) can provide assistance with nonemployee problems.

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At the Nevada Test Site or in Las Vegas

- .03 For employees working (temporarily or permanently) at the Nevada Test Site (NTS) or in Las Vegas, the following special provisions apply:
- The Reynolds Electric and Engineering Co., Inc. (REECo) Medical Facility performs the functions at Mercury described in succeeding paragraphs as performed by the Reliability Programs Office in the Facilities, Security, and Safeguards Division (FSS/RPO) at Los Alamos.
- The Nye County Sheriff's Office or the Las Vegas Metropolitan Police Department takes the role at NTS or in Las Vegas of the Los Alamos Police Department (LAPD) or of FSS/SPO at the Laboratory.
- The substance-abuse counseling offered by the REECo Medical Facility's Employee Assistance Program (EAP) is equivalent to the Occupational Medicine (ESH-2) Group's EAP.
- NOTE:** REECo does not provide Medical Review Officer (MRO) services for Laboratory employees. They must return to Los Alamos to meet with the Laboratory MRO in ESH-2.

In Other Situations

- .04 **Other Work Locations** — Employees who are assigned to other work locations must still comply with the provisions of this policy. The FSS/RPO can provide information about the appropriate organization to contact to provide drug testing and MRO services in other locations.
- .05 **Other than Normal Work Hours** — The Los Alamos Medical Center performs drug tests in the Emergency Room during the hours when FSS-RPO services are not available.

EMPLOYEE RESPONSIBILITY:

- .06 Each employee is responsible for his or her own fitness for duty and for avoiding behavior that could compromise the health or safety of the employee or others or the security of the Laboratory. Employees are responsible for reading and abiding by this policy.

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DEFINITIONS:

- Substance Abuse** .07 Substance abuse is the use of controlled substances as identified in Schedules I through V of the Controlled Substances Act (United States Code, Title XXI, Chapter 13) where the use is neither authorized by law nor by a valid prescription. Substance abuse also includes, but is not limited to, misuse of alcohol or prescription drugs that affect an individual's ability to perform his or her job in a safe and secure manner. ✂
- Being Under the Influence of** .08 *Drugs* — Being under the influence of drugs means having a sufficient amount in the body to test positive at the levels defined in the Department of Health and Human Services (DHHS) guidelines.
- .09 *Alcohol* — A test result of .08 (80 mg/dl) or greater is considered under the influence of alcohol. For PAP employees, a blood-alcohol content (BAC) level of .04 indicates impairment. For Department of Transportation (DOT)-covered employees, a BAC of .02 disallows work in a safety-sensitive position. See [.57](#), [.60](#), and [.61](#).

DRUG-FREE WORK PLACE:

- Illegal Drugs** .10 Engaging in the following on Laboratory premises or while on Laboratory business is prohibited and can result in disciplinary action, up to and including termination:
- The unauthorized manufacture, distribution, dispensation, possession, or transfer of drugs or
- Being under the influence of drugs.
- Alcohol** .11 The *unauthorized* use or possession of alcohol or alcoholic beverages on Laboratory premises is prohibited, and, even when possession or use is authorized, no individual who is sufficiently intoxicated to test at .08 or greater for alcohol is permitted on Laboratory premises. (*For*

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information about obtaining authorization for the use of alcoholic beverages, see [AM 615](#).)

Prescription Drugs

- .12 ✂ The type of medication and the employee's reason for taking it are personal information that need only be discussed with an ESH-2 physician or other medical staff authorized by the Site Occupational Medical Director.
- .13 **Misuse** — An employee whose misuse of medication adversely affects his or her performance on the job may be subject to corrective or disciplinary action.
- .14 **Supervisor Notification** — When the supervisor is notified by an employee that he/she is using a legal drug that could adversely affect the employee's ability to perform required work, the supervisor refers the employee to ESH-2 ✂ for an assessment of work restrictions. The supervisor consults with ESH-2 medical staff if
- There is any question whether a temporary reassignment is necessary,
- A reassignment of duties is expected to last for more than 5 working days, or
- The supervisor is considering placing the employee on sick leave.
- The type of medication and the employee's reason for taking it are personal information that need only be discussed with an ESH-2 physician or other medical staff authorized by the Site Occupational Medical Director.
- NOTE:** Employees covered under the Personnel Assurance Program (PAP) or the Personnel Security Assurance Program (PSAP) must report all prescribed medication to ESH-2 or the supervisor.
- .15 **ESH-2 Decision** — If the employee reports directly to the medical staff at ESH-2 or is referred through the supervisor, the medical staff determines the effects that the drug may cause and whether restrictions are necessary. ESH-2 gives the employee and the supervisor a written description of any work restrictions and of their expected

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duration. The supervisor, in coordination with the employee, determines the appropriate work assignment based on the restrictions.

BASIS FOR TESTING:

- .16 The substance-abuse testing program (*see* [.42-.45](#)) includes testing based on reasonable cause including but not necessarily limited to those primarily involved in or responsible for a reportable accident/incident in the work place as described in the *Environment, Safety, and Health Manual*, by DOT regulations, or an alert by a drug-detection dog and other testing pursuant to laws and regulations of the United States (*see Reliability Programs, AM 728*). Employees may also be tested for substance abuse during an ESH-2 evaluation when there is reasonable suspicion (a rational, inference based on the supervisor's and/or medical staff's observation of specific and describable behaviors and facts) that substance abuse has affected an employee's performance or reliability. Employees who refuse to consent to testing for substance abuse are subject to corrective or disciplinary procedures, up to and including termination.

DRUG DETECTION DOGS:

- .17 The Laboratory uses drug-detection dogs to deter the presence or introduction of drugs in the work place.

No Drugs Are Found

- .18 If a drug-detection dog alerts to the scent of drugs in private property owned by an employee(s) or in a work area, desk, locker, or other container assigned to a certain employee(s) and no drugs are actually found, FSS/SPO personnel are required to notify the employee's management of a drug-detection dog alert. The supervisor takes no action unless he or she has observed behavior as described in .26 and .28. Then the supervisor may direct the employee(s) to drug testing and/or may institutedisciplinary action. ✎

NOTE: Employees in any of the reliability programs (e.g., PSAP, PAP) must have a drug test following a dog alert.

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Drugs Are Found

- .19 If drugs are actually found during drug-detection dog activities, FSS-SPO personnel notify local law enforcement authorities and submit a 5000.3B occurrence report through reporting channels to the Department of Energy (DOE). Further action depends on the circumstances in which the drugs are found and on consultation with appropriate management, law enforcement officials, ESH-2, and Laboratory Counsel (LC).

SELF-IDENTIFICATION:

- .20 The Laboratory strongly encourages employees who suffer any form of substance abuse or substance addiction, including alcohol or other drug-related problems, to voluntarily seek assistance from the ESH-2 EAP (to self-identify). Employees who self-identify for substance abuse or substance addiction and request assistance from the ESH-2 EAP are not subject to disciplinary action based solely on the substance abuse while they are successfully participating in and completing rehabilitation. *See Management Identification in [23](#) for clarification of the differences between self-identified and management-identified cases of substance abuse.*

Rehabilitation

- .21 EAP personnel may suggest to employees other sources of assistance, including in- or out-patient counseling or rehabilitation programs. Employees are responsible for the costs of any rehabilitation program they participate in. Consult the Compensation and Benefits Group for details of coverage under the Laboratory's health insurance plans. Employees who enter into a rehabilitation program are placed on sick leave, vacation, or leave without pay while in treatment. *See [AM 313](#) and [AM 318](#).*

Confidentiality

- .22 EAP personnel provide confidential assistance to employees who request medical help or rehabilitation. Information about employees who participate in the program is protected within the parameters of applicable state and federal law, DOE requirements, and by University of California policy.

NOTE: Supervisors or managers who have personal knowledge of an employee's

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substance-abuse problems or know that an employee has participated in a rehabilitation program must reply honestly when questioned by an investigator conducting an update of the employee's security clearance.

PAP, PSAP, and other DOE- and DOT-mandated substance-abuse testing programs have reporting requirements that prevent the Laboratory from maintaining confidentiality about participating employees' substance abuse. Information will be released only as required by law or regulation.

MANAGEMENT IDENTIFICATION:

- .23 If an employee's current substance abuse comes to the attention of management, self-identification is no longer the employee's option, even if the employee previously self-identified. Employees who are found to be in active violation of AM 110 are subject to disciplinary action, up to and including termination. Paragraphs .24 through .35 describe the courses of action for management-identified substance abuse.

TESTING AND EVALUATIONS:

- .24 Supervisors ensure that employees are fit for duty by observing employee performance and reliability on the job. Supervisors must take appropriate administrative action when they observe conduct that could compromise the health or safety of the employee or others or the security of the Laboratory.

Recurrent Patterns of Behavior

- .25 When the supervisor observes chronic problems commonly associated with substance abuse such as tardiness, absence patterns, tiredness, etc., the supervisor should discuss the observed behaviors with the employee as appropriate and make a management referral to ESH-2 for an evaluation. The supervisor should not attempt to diagnose the problem.

Reasonable Suspicion

- 26 Supervisors must immediately remove the employee from the work place and escort the employee to ESH-2 for an evaluation when

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Behavior is observed that may pose an immediate threat to the health and safety of the employee or of others or a potential threat to security and the supervisor reasonably suspects that substance abuse may have been a contributing factor;

The employee is behaving erratically and there is reasonable suspicion that he or she may be under the influence and/or using or misusing drugs;

The use of controlled substances, the misuse of legal substances, or unauthorized use of alcohol has been observed in the work place; or

A work-related accident or incident occurs where the supervisor reasonably suspects that substance abuse may have been a contributing factor.

Refusal to Report to ESH-2

- .27 If an apparently impaired employee refuses to report to ESH-2, the supervisor dismisses the employee from work and places the employee on Investigatory Leave (IL). The supervisor should call the Employee Relations Group (HR/ER) in the Human Resources Division for assistance in placing the employee on IL. The employee should not be allowed to drive home. See [.29](#).

Aggressive or Hostile Behavior

- .28 If the employee displays overly agitated, aggressive, or hostile behavior or has a history of such behavior, the supervisor should call FSS/SPO to ensure the safety of Laboratory personnel and property. See also [AM 728](#).

Findings

- .29 **Alcohol Impairment** — If ESH-2 medical staff suspects that the employee is under the influence of alcohol (see [.09](#)), the supervisor escorts the employee to FSS/RPO's mobile test unit for a breath-alcohol test. If the test confirms that the employee is under the influence, the supervisor places the employee on IL and requests that the employee call a relative or friend to take him or her home. The employee should not be allowed to drive. If an impaired (as confirmed by breath-

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alcohol test) employee persists in driving a vehicle off Laboratory premises, the supervisor should warn the employee that the police will be alerted to the employee's problem and then, to protect other citizens, should notify the local police department.

NOTE: If LAPD receives notice that a person has tested at .08 or higher for being under the influence, police officers have probable cause to stop the vehicle without observing erratic driving or other signs of driving while intoxicated.

As soon as is practical, the supervisor notifies HR/ER that he or she placed the impaired employee on IL.

- .30 **Drug Impairment** — Because an off-site laboratory tests samples for the presence of drugs, results are not available for up to 72 hours. If the circumstances warrant, the examining medical staff member, in coordination with the employee's supervisor, may place the employee on health check (HC) status (*see* [AM 322](#)) while waiting for the results to be returned to ESH-2.
- .31 If the employee tests positive for drugs (*see* [.46](#)), the employee discusses the results of the test with the MRO (*see* [.49-.50](#)) before the manager is notified. ✂ *See* [AM 728](#), *Reliability Programs, for PAP and PSAP notifications*.

Treatment

- .32 Because the Laboratory encourages employees to seek treatment and rehabilitation, the manager should recommend that the employee consult the EAP or find a similar assistance program. However, it is the employee's responsibility to initiate, complete, and maintain rehabilitation.

Note: Consultation with EAP Staff and/or participation in a rehabilitation program does not affect any disciplinary action that may be taken.

Termination

- .33 An employee whose drug test is verified positive is normally not retained by the Laboratory. *See the termination-for-cause procedures detailed in* [AM 112](#).

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- Reporting Time** .34 At the time of the original MRO-confirmed positive test result, the supervisor normally places the employee on IL. ✂
- Security Actions** .35 When an employee ✂ has a verified, positive substance-abuse test, FSS/RPO must notify DOE through the Personnel and Information Security Group (FSS-15) of the substance-abuse confirmation ✂. FSS/RPO also notifies the group-level manager who takes custody of the employee's security badge. ✂ See [AM 728](#) for PAP and PSAP reporting requirements.
- RANDOM DRUG TESTING:** .36 Employees participating in certain specific programs, such as PAP, PSAP, or DOT-safety-sensitive positions are subject to random drug testing. Unannounced random testing occurs on a predetermined schedule, depending on the testing program to which the employee is a part. The employee is given reasonable notification of the time and location of the test on the day the test is scheduled to take place. After the test, the employee returns to work. The employee remains in work status while waiting for the results to be returned to the Laboratory. ✂ If the results are positive, the employee meets with the MRO. See [.49](#). ✂
- NOTE:** All PAP and PSAP new hires also receive preemployment drug screening.
- OFF-SITE BEHAVIOR:** .37 Certain employee conduct outside of work hours or away from Laboratory premises may require corrective action, disciplinary action, or other measures when the conduct brings discredit to the Laboratory or the Laboratory's sponsoring agency, casts significant doubt on the employee's reliability or trustworthiness in relation to job requirements, or casts significant doubt on the employee's ability to reliably comply with the Laboratory's safety and security obligations. Such conduct includes an arrest or conviction for a criminal act committed by an employee, such as the unlawful or unauthorized use, possession, transfer, distribution, or sale of

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controlled substances. Management coordination with HR/ER is required.

ARRESTS OR CONVICTIONS:


Employee Responsibilities

- .38 The employee must report all arrests, convictions, or any detention, including those for driving-while-intoxicated (DWI) and other substance-abuse violations, to either DOE Los Alamos Area Office, or to FSS-15. See [AM 702](#). The employee must also report convictions under any criminal drug statute to his or her group-level manager or a higher authority no later than 5 days after such conviction.

Management Responsibilities

- .39 The employee's management **must** notify DOE through FSS-15 (or for PSAP employees, through the Site PSAP Administrator) within 10 days after receiving notice of a criminal drug statute conviction (either from the employee or from the court). For criminal drug statute convictions, management must also take appropriate disciplinary action against the employee, up to and including termination, within 30 days after receiving the notice of conviction. All disciplinary action **must be** coordinated through HR/ER.

VIOLATIONS:

- .40 An employee is subject to disciplinary action, up to and including termination, when he or she
- Violates the substance-abuse policy (including being under the influence of alcohol or illegal drugs [see [.08](#) and [.09](#)] while on Laboratory premises),
 - Refuses to submit to testing or evaluation when substandard performance or behavior has been observed and is reasonably suspected to relate to substance abuse or when directed as part of a DOE- or DOT-mandated testing program,
 - 
 - Falsifies any record relating to substance abuse,
 - Fails to report an arrest or conviction for substance-abuse violations,
 - Fails to meet with the MRO, when required, within 5 working days after notification or fails

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to supply the MRO with information he or she has requested (*see* [.49](#)), or

Submits an adulterated or fraudulent urine sample when tested.

DUE PROCESS:

- .41 This policy does not affect or limit the employee's review rights established in the Laboratory's disciplinary action or grievance procedure policies.

SUBSTANCE-ABUSE TESTING:

- .42 Substance-abuse testing is performed by FSS/RPO using the mobile testing unit. When the testing is performance related, for cause, or based on reasonable suspicion, FSS/RPO is the designated collection site for breath-alcohol, ~~and~~ and urine drug testing. ESH-2 conducts blood-alcohol tests when appropriate. While waiting for blood-alcohol test results, the examining physician, in coordination with the supervisor, may place the employee on HC pending the results of the test.

NOTE: FSS/RPO has oversight of all DOE-mandated random and preemployment substance testing.

Procedures

- .43 **Urine Drug Testing** — For urine drug testing, strict chain-of-custody protocol, as defined in the DHHS guidelines, is observed including careful identification of the specimen container, a chain-of-custody form signed by the employee, and controlled shipment of the specimen to the designated certified laboratory.
- .44 **Breath-Alcohol Test** — Breath-alcohol tests are administered by an evidential breath-testing (EBT) alcohol analysis device. This device measures breath-alcohol content (BAC) using BAC units. If the first test, indicates BAC at proscribed levels, a second confirming test is performed 15 minutes later. If the second test is below the proscribed level, then the entire test is voided. ~~and~~ The individual may request a confirmatory blood-alcohol test, except in the case of DOT-required testing where blood-alcohol tests are not accepted.
- .45 **Blood-Alcohol Test** — Blood-alcohol testing also follows strict guidelines. The initial test is an

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enzymatic reading, which, if positive, is followed by a gas chromatography (GC) test. ✂

Positive Drug Test Results

- .46 **Initial Urinalysis Test** — The urine specimen is initially tested using a test certified by the Health and Human Services Guidelines for drug testing. Cut-off levels for the initial test follow DHHS guidelines.

✂

- .47 **Confirmation Test** — If the first urinalysis test is positive, a confirmation test of the same sample is made using gas chromatography/mass spectrometry (GC/MS). DHHS cut-off levels are used for the confirmation test.

✂

Verification of Positive Drug Test Results

- .48 **Time Limit for Reporting to MRO** — The employee has 5 working days after being notified to report to the MRO, unless there are extenuating circumstances acceptable to the manager. If the employee does not report immediately to discuss a positive test, the MRO **must** notify the employee's management.

NOTE: Employees at NTS are placed on travel and returned to Los Alamos at Laboratory expense within 5 working days of a positive test to meet with the MRO.

- .49 **MRO Review** — The ESH-2 physician qualified to act as the MRO reviews each confirmed positive test and discusses the test result with the employee. The MRO examines ✂ medical ✂ explanations (including any over-the-counter or prescribed medications taken within the last 30 days) for any positive test results. MRO action may involve conducting a medical interview with the employee, examining the employee, reviewing the employee's medical records and medical history, or reviewing any other relevant biomedical factors. If the employee claims a prescription drug is responsible for the positive result, the MRO must verify the prescription with the employee's physician or pharmacy, which may require that the employee sign a release to permit the Laboratory to obtain

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the private physician's records. The MRO places the employee on HC pending completion of the MRO review.

- .50 **Confirmed Positive** — If the MRO cannot find a medical explanation for the positive result and determines that the positive result is accurate, the MRO refers the employee to the EAP and reports the positive test result to FSS-RPO. FSS-RPO reports the results to the employee's manager who takes the steps described in .32-.33 above and who initiates the appropriate administrative action, including corrective or disciplinary action (with the assistance of ER). See [AM 728](#) for special PAP and PSAP reporting requirements.

Reanalysis

- .51 The remaining portion of each confirmed positive sample is kept for 1 year by the testing laboratory. An employee may challenge a positive test result by requesting a reanalysis of the same specimen or a split sample at another DHHS-certified laboratory. The employee must request reanalysis within 72 hours of receiving the results of the first test, unless modified by the MRO. The testing procedure must be the same as that performed in the first analysis and is performed at the employee's expense. The employee is placed on IL until the MRO receives the reanalysis results. The testing laboratory performs this reanalysis using GC/MS only, without cut-off levels; if the test reveals trace amounts, the laboratory reports it as a positive test. If the second test is negative, all records of the first test are destroyed, and the employee is reimbursed for the testing costs.
- .52 Reports of drug tests are maintained in a locked repository at ESH-2 separate from the employee's medical records. Drug test reports for PSAP employees are maintained in a locked repository at FSS/RPO. Testing reports for DOT-covered employees are kept in sealed files in driver qualification files in the Property and Transportation Group (BUS-4). An employee may review the contents of his or her own file after signing for it. The PAP, PSAP, and DOT records can be accessed only to the extent allowed by law. See [AM 120](#) and [AM 628](#). See also [AM 728](#).

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ALCOHOL TESTING MANDATED BY THE DEPARTMENT OF TRANSPORTATION:

.53 Employees covered by DOT regulations must be tested for use of alcohol as well as controlled substances. Breath-alcohol tests are administered by a certified breath-alcohol technician (BAT) and performed on an EBT device. See [.44](#). FSS/RPO conducts these tests.

DOT Coverage

.54 An employee covered by DOT regulations is any person who is required to have a commercial driver's license (CDL).

Safety Sensitive Positions

.55 A DOT safety-sensitive position is one requiring performance of safety-sensitive functions while the covered employee is on duty. On duty means all time from the time a driver begins to work or is required to be in readiness to work until the time he or she is relieved from work and all the responsibility for performing work.

Prohibited Actions

.56 ***On-Duty Possession/Use*** — While performing a safety-sensitive function, no covered employee may possess or use alcohol, including over-the-counter or prescription items containing alcohol.

Exception: Alcohol may be appropriately transported when it is part of a manifested shipment.

.57 ***Alcohol Concentrations*** — A covered employee is prohibited from performing DOT safety-sensitive functions when any of the required alcohol tests, such as a reasonable suspicion or random alcohol test, indicate a breath-alcohol concentration level (BAC) of .02 or greater, or when an employee has consumed alcohol within the 4 hours before beginning work in a safety-sensitive position.

.58 ***Post Accident*** — A covered employee is prohibited from consuming alcohol during the 8 hours following an accident or until the employee undergoes a post-accident alcohol test, whichever occurs first.

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Effect of Prohibited Actions

.59 **Supervisor Knowledge** — A supervisor having knowledge of prohibited actions may not permit the employee to perform safety-sensitive functions.

.60 **Random Test: BAC Level Between .02 and .039** — Employees whose BAC level is between .02 and .039 must be removed from the DOT safety-sensitive position for at least 24 hours. The employee may not perform a safety-sensitive function until a retest indicates a BAC below .02. The employee is urged but not required to consult with a substance-abuse professional in ESH-2 and the incident is treated as a self-referral (*see* [.20-.22](#)). If the employee tests between .02 and .039 a second time, progressive corrective or disciplinary action may be considered (*see* [AM 112](#)).

.61 **Random Test: BAC Level .04 or Higher and All Other Tests** — If the BAC level is .04 or greater the employee must be removed from the safety-sensitive position for a minimum of 24 hours and may not perform a safety-sensitive function until a retest indicates a BAC below .02. The employee must submit to a management-referred alcohol-abuse evaluation by a substance-abuse professional through the ESH-2 medical staff.

.62 Employees who are removed from their safety-sensitive positions must be placed on investigatory leave or temporarily reassigned to a nonsafety-sensitive function if available, for 24 hours following a test result of .04 or higher.

Treatment

.63 Treatment for alcohol abuse is at the employee's expense.

Required Tests

.64 **Post-Accident Testing** — Post-accident testing is performed as soon as practicable, preferably within 2 hours, but no later than 8 hours, on a driver who was performing a DOT safety-sensitive function if the accident involved loss of human life or the driver received a citation for a moving traffic violation arising from the accident.

.65 **Random Testing** — At various times throughout the year, DOT-covered employees are randomly

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selected for testing. The number of employees tested per year must equal at least 25% of the average of the total number of covered employees working in the testing year. The random, unannounced test is administered just before, during, or just after performance of a safety-sensitive function.

.66 **Reasonable Suspicion Testing** — A DOT-covered employee is required to submit to an alcohol test when a trained supervisor (*see* .72) has a reasonable suspicion that the employee is under the influence of alcohol. The test should be administered within 2 hours, but no later than 8 hours, of the making of specific, contemporaneous, describable observations concerning the appearance, behavior, speech, or body odor of the driver, such as slurred speech, alcohol on the breath, or other indicators. *See also* .16.

.67 **Return to Duty Testing** — A DOT-covered employee who tests .04 or above must submit to a return-to-duty breath-alcohol test. Before returning to the safety-sensitive position, the breath-alcohol test result must indicate an alcohol concentration of less than .02.

.68 **Follow-Up Testing** — Follow-up testing must be conducted if a substance-abuse professional determines that an employee is in need of assistance in resolving problems associated with alcohol misuse. The employee is subject to at least 6 unannounced follow-up tests in the first 12 months following return to duty. The testing period may be extended to up to 60 months from the date of return to duty.

Refusal to Submit to Testing

.69 Employees who refuse to submit to required alcohol tests may not continue to perform DOT safety-sensitive functions, are disqualified from driving for 1 year, and are subject to corrective or disciplinary procedures, up to and including termination.

Attendance Reporting

.70 DOT-covered employees removed from safety-sensitive positions for whom no nonsafety-sensitive

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alternative tasks can be found are normally placed on IL until they are returned to duty.

Training

- .71 A DOT-covered driver cannot operate a vehicle unless his or her supervisor has completed at least 1 hour of Laboratory-provided training on alcohol misuse.
- .72 Supervisors of DOT-covered employees have the authority to request reasonable suspicion tests only after they have completed at least 1 hour of Laboratory-provided training on alcohol misuse and 1 hour of additional training on controlled substance use.

Alcohol-Testing Records

- .73 Alcohol-testing records are maintained in a sealed file in driver qualification files in the Property and Transportation Group, BUS-6, for 2 years. Records may be accessed as required by law or regulation or with the employee's consent.